

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

JONATHAN MICHAEL GILL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

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Civil Action No.7-09-CV-155-O

ORDER

This is a social security case. Plaintiff filed this action seeking judicial review of a final decision of the Commissioner of Social Security (the “Commissioner”), who denied his application for social security income benefits under Title XVI of the Social Security Act. Pursuant to Special Order No. 3-251, the case was automatically referred to United States Magistrate Judge Irma C. Ramirez, for review and submission of proposed findings of fact and recommendation for disposition. On February 26, 2010, the United States Magistrate Judge filed her Findings, Conclusions and Recommendations (the “Report”), in which she recommended that the Court reverse the Commissioner’s decision, and remand to the Commissioner for reconsideration. Specifically, the Magistrate Judge recommended reversal based on her conclusion that the Administrative Law Judge’s finding that, if Plaintiff stopped substance abuse, he would not have an impairment, was not supported by substantial evidence. *See* Report at 15-18.

The Commissioner filed no objections.

After an independent review of the pleadings, file, record, applicable law, the Magistrate Judge’s findings and conclusions, the Court determines that the Magistrate Judge’s finding that

remand is warranted is correct, and hereby **accepted**. Accordingly, the Court **remands** this case to the Commissioner for further proceedings consistent with this order.

SO ORDERED this **15th** day of **March, 2010**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE